

C. Remarks

At the outset, Applicants wish to express appreciation to Examiner Bray for determining that the subject application contains patentable subject matter.

In response to the Office Action dated December 30, 2003, Applicants respectfully request reconsideration of this application based on the foregoing claim amendments and the following remarks. Applicants have amended claims 20-24, 33, 35 and 37-40. Applicants have added new claims 52-57 and have further added new claims 58-75 that reflect rewritten claims 23-36 and 38-41 in independent form including the limitations of the base claims from which they depend and any intervening claims. Applicants submit that no new matter has been added and further respectfully submit that the all of the claims as presented are in condition for allowance.

1. Claim Rejections – 35 U.S.C. § 102

At page 2, claims 20-22 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,671,789 to Stolzer et al. Applicants respectfully traverse the rejection herein and have amended several claims to more precisely describe embodiments of the present invention.

To anticipate a claim, a single prior art reference must teach or disclose each and every element of the claim. See, MPEP § 2131. Applicants respectfully submit that the Office Action has failed to establish that Stolzer et al. anticipates claims 20-22 and 37, as amended, because Stolzer et al. fails to disclose each and every element recited in these claims.

In particular, Stolzer et al. fails to disclose, among other things, a depth stop member that contacts a column-like member, or first support member, attached to the base for preventing travel of the cutterhead toward the base while permitting travel in the opposite direction, as recited in independent claims 20 and 21. Further, Stolzer et al. fails to teach or disclose, among other things, a depth stop means that abuts a

column-like member supported on the base for preventing travel of the removing means beyond a predetermined distance while permitting movement away from the base, as recited in independent claim 37. On the contrary, the depth *lock* mechanism of Stolzer et al. merely provides a set screw (86,186) locking arrangement that causes direct physical engagement with the guide tube (30, 136) to effectively prevent any movement downward or upward of the housing (12).

Therefore, for at least the above reasons, Applicants respectfully submit that claims 20, 21 and 37 are not anticipated by Stolzer et al. and are now in condition for allowance. Claims 22-36, 38-41 and 52-53 depend on claims 20, 21 and 37. For at least the above reasons, these dependent claims are not anticipated by Stolzer et al. Applicants respectfully request the anticipation rejection with respect to these claims be withdrawn and that these claims be allowed.

2. Objections to Claims 23-36 and 38-41, New claims 58-75

Claims 22-36 and 38-41 were objected to as being dependent upon a rejected base claim. As such, these claims have been written in independent form to overcome such objection and place them in condition for allowance. Applicants respectfully request the objection with respect to claims 22-36 and 38-41 be withdrawn and that new claims 58-75 be allowed.

3. New Claims 54-57

Applicants herein have also added independent claim 54 and dependent claims 55-57. Applicants submit that the above new claims are not anticipated in light of the prior art and request that the new claims be allowed accordingly.

D. Extension of Time

Applicants hereby petition for a three (3) month Extension of Time. A check in the amount of \$950 is enclosed. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 11-1110 for any fee deficiencies that may be associated with this Amendment and Petition for a 3-Month Extension of Time.

E. Conclusion

As all of the issues raised by the Examiner have been addressed, Applicants respectfully request favorable reconsideration of this application and the issuance of a notice of allowance with respect to the pending and newly added claims. If the Examiner believes that the present application is in condition for disposition other than allowance, Applicants respectfully request that the Examiner contact the undersigned at the telephone number listed below so that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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